

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COUNTRY LIFE INSURANCE
COMPANY,

Plaintiff,

v.

BARBRA F. PIERCE,

Defendant.

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No. 08 C 383

Judge Andersen

Magistrate Judge Ashman

**DEFENDANT BARBRA PIERCE'S MOTION TO AMEND DEFENDANT'S REPLY TO
PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS**

Now comes Defendant, BARBRA PIERCE, by and through her attorneys, MARK D. DEBOFSKY and DALEY, DEBOFSKY & BRYANT, pursuant to Federal Rules of Civil Procedure 15(a), and moves for an order permitting Defendant to file an amended reply to Plaintiff's response to Defendant's motion to dismiss in the form of the proposed FIRST AMENDED DEFENDANT'S REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS attached hereto and incorporated herein by reference as Exhibit A.

The purpose of this amendment is to modify typographical errors in the Defendant's Reply to Plaintiff's Response to Defendant's Motion to Dismiss filed with this Court on March 14, 2008. As an initial matter, Defendant's first name is misspelled in this reply and in prior documents filed in relation to this case. Defendant's first name has been spelled "Barbara" in prior pleadings; however the correct spelling is "Barbra."

Furthermore, on page four of the Defendant's Reply to Plaintiff's Response to Defendant's Motion to Dismiss, the second full sentence on that page states "Although *Sereboff v. Mid Atl. Med. Servs., Inc.*, 126 S.Ct. 1869 (2006) has expanded insurers' rights to seek such

relief, that is not the basis of Plaintiff's claim here – the lawsuit asserts that Plaintiff has requested certain unspecified information and documents from plaintiff, that Plaintiff has a right to such unspecified documents based on unspecified provisions of its employee benefit plan, and that Defendant has refused to provide the requested information.” However, that line was intended to read “Although *Sereboff v. Mid Atl. Med. Servs., Inc.*, 126 S.Ct. 1869 (2006) has expanded insurers' rights to seek such relief, that is not the basis of Plaintiff's claim here – the lawsuit asserts that Plaintiff has requested certain unspecified information and documents from **Defendant**, that Plaintiff has a right to such unspecified documents based on unspecified provisions of its employee benefit plan, and that Defendant has refused to provide the requested information.” (emphasis added).

WHEREAS the proposed First Amended Defendant's Reply to Plaintiff's Response to Defendant's Motion to Dismiss reflects the changes outlined above, Defendant respectfully requests an order permitting Defendant to amend his prior pleading to the document attached herein as Exhibit A.

Respectfully submitted,

BARBRA F. PIERCE, Defendant

By: /s/ Mark D. DeBofsky
One of the attorneys for Defendant

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CERTIFICATE OF SERVICE

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The undersigned attorney hereby certifies that on March 28, 2008, he electronically filed the foregoing DEFENDANT BARBRA PIERCE'S MOTION TO AMEND DEFENDANT'S REPLY TO PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION TO DISMISS with the Clerk of the Court using the CMF/ECF filing system, which sent notice of such filing to the above named attorneys, and that I hereby certify that I have mailed via the United States Postal Service the document to the following non-CMF/ECF participants: N/A.

s/ Mark D. DeBofsky
Attorney for Defendant

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